

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2621 - SB 3471

February 6, 2012

**SUMMARY OF BILL:** Specifies that the offense of reckless endangerment, committed by discharging a firearm into a habitation or a motor vehicle, is a Class C felony regardless of whether the habitation or motor vehicle was occupied at the time.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$91,900/Incarceration\***

Assumptions:

- According to information provided by the Administrative Office of the Courts, there has been an average of 451 Class E felony convictions in each of the past 10 years for reckless endangerment with a deadly weapon.
- According to the Department of Correction (DOC), there has been an average of 147 admissions for reckless endangerment with a deadly weapon in each of the past 10 years.
- Under current law, reckless endangerment committed by discharging a firearm into a habitation is a Class C felony unless the habitation was unoccupied, in which case it would be a Class D felony. Prior to January 1, 2012, reckless endangerment was a Class A misdemeanor for a person who recklessly engages in conduct that places or may place another in imminent danger of death or serious bodily injury, unless it was committed with a deadly weapon, in which case it was a Class E felony.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one additional Class C felony for a person discharging a firearm into a motor vehicle and one offender that would be charged with a Class D felony under current law will be sentenced to a Class C for discharging a firearm into a habitation and will serve additional time on his or her sentence as a result of this bill.
- According to DOC, the average operating cost per offender per day for calendar year 2012 is \$61.36. The average post-conviction time served for a Class D felony is 1.86 years (679.52 days) at a cost of \$41,695.35 (\$61.36 x 679.52), and 2.98 years (1,088.45 days) for a Class C felony at a cost of \$66,787.29 (\$61.36 x 1,088.45).
- The additional cost for increasing the average sentence length from a Class D to a Class C felony is \$25,091.94 (\$66,787.29 - \$41,695.35).

- The total additional operating cost is \$91,879.23 (\$66,787.29 + \$25,091.94).
- Due to the small number of offenders and the relatively short time served, no recidivism discount has been applied for these offenses.
- Any increase to caseloads for state trial courts can be accommodated within existing resources without an increased appropriation or reduced reversion.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read 'Lucian D. Geise', written in a cursive style.

Lucian D. Geise, Executive Director

/lsc